

1909-024 Chancery Causes: R. G. Wood & Sons} vs. Green Carter
Lee Co.

Wood

CA - Debit
T - Property

- Deed

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County.

Humbly complaining your orators, R. J. Wood, R. L. Wood and R. A. Wood, partners trading and doing business under the style and firm name of R. J. Wood & Sons, would respectfully represent unto your Honor that on the 22^d day of May, 1908, they recovered a judgment against Green Carter for the sum of \$43.49 1/100 dollars, with interest thereon from the 2 day of May, 1908 and costs, before J. H. H. H. H. H., a Justice of the Peace in and for Lee County; a copy of which judgment is herewith filed marked exhibit "A" and prayed to be taken as a part of this bill; that no part of said judgment has ever been paid to your orators and the same is still due and owing to them; that said judgment was duly docketed on the 25 day of May, 1908, in the Clerk's Office for Lee County in judgment lien docket Number four page 126.

Your orators will further show unto your Honor that the said Green Carter is seized and possessed of a little tract of land containing about four acres, lying and being in Lee County, Virginia, on the waters of Fickett's Creek, which land is described in the deed of G. S. Stapleton and wife to the said Green Carter; a certified copy of which is here filed, marked exhibit "B" and prayed to be taken as a part of this bill; but since the said conveyance of the said Stapleton and wife to the said Carter was made to the land in said exhibit "B" mentioned, the said Green Carter and his wife transferred and conveyed to the Black Mountain Railroad Company a portion thereof for a right of way for a railroad. A certified copy of the deed of said Green Carter to the said Railroad Company is here filed, marked exhibit "C" and prayed to be taken as a

part of this bill;

Your orators are advised and allege that the said Green Carter is now the owner of the said tract of land conveyed him as aforesaid by the said G. S. Stapleton and wife except that part thereof which he and his wife conveyed, as aforesaid to the said Railway Company.

Your orators allege and charge that the rents and profits of said land of the said Green Carter will not in five years satisfy their said judgment, which as they are advised is a lien upon said land, and that they are therefore entitled to have the said land sold to satisfy their said judgment. They are advised and charge that there are no other specific liens against the said land of the said Green Carter than that of your orators.

Now in consideration of the premises aforesaid your orators pray that the said Green Carter be made a party defendant to this bill and that he be required to answer the same, but not on oath as that is waived; that your orators ^{desire to} be to have a lien upon said land for their said judgment; and that if it appears that the said rents and profits of the said land will not in five years pay your orators said judgment, which is a lien upon said land that the same, or so much thereof as will suffice to satisfy the ~~lien~~ ^{said} of your orators said judgment and the costs of this suit ~~and the~~ ^{land} be sold and the proceeds thereof be applied to the payment of your orators said judgment. And that all such, other, further and general relief be awarded your orators as in the premises may be just and right. And they will ever pray, etc.

Punnington Bros. P.Q.

Costs:
 Clerk \$6.14
 Shff. .50
 Atty. 5.00
 \$11.64
 Est. 2.00
 13.64
 Due 1.10
 15.14

Del'd to E. T. Murre
 for \$10.00
 4/24/09
 W. H. Cunningham
 Counsel

R. Wood House

vs. { Bice

Green Carter & Co

1909 2nd Jan Rules
 Bill filed, Spaw
 executed + D.N.
 First Feby Rules
 " D.N. confirmed +
 cause set for
 hearing.

===== #
R. J. Wood & Sons, Plaintiffs. #
Vs. #
Green Carter, et al, Defendants. #
===== #

Decree in Chancery.

This cause came on this day to be further heard upon the papers formerly read herein, and report of Commissioner E. W. Pennington filed herein on the 13th day of December, 1909, and is argued by counsel.

On consideration of all which, and said report being unaccepted to and for reasons appearing to the Court it is adjudged, ordered and decreed that said report and the disbursement of said sum of money, as shown hereby, be and the same is hereby confirmed and approved; and

It is further adjudged, ordered and decreed that E. W. Pennington, who is hereby appointed Special Commissioner for the purpose, will make to the said E. F. Music a good and sufficient deed to the lands purchased by him in this cause with covenants of General warranty, and he having made and executed such a deed, it is adjudged, ordered and decreed that said deed ^{is} as made by him be and the same, hereby approved and confirmed; and the said E. F. Music shall pay to the said E. W. Pennington the sum of \$5.00 for his services in making said deed.

And this cause is stricken from the docket.

R. J. Hood & Sons

vs } Green

Green Carter

Entered in C.O.B.
#8, page 562 re.

Enter this

Dec 13-1909

H. C. W. Silver

=====#
 E. J. Wood & Sons, Plaintiffs, #
 vs. # Decree.
 Green Carter, ~~et als.~~ Defendants. #
 =====#

This cause came on this day to be further heard upon the papers formly read therein and the report of sale of the land in the bill and proceedings mentioned by E. W. Pennington, Commissioner, which report was filed on this cause on the 26th day of April, 1909, and is not accepted to, and was argued by counsel.

On consideration of all which and for reasons appearing to the Court, it is adjudged, ordered and decreed that the said report of said Pennington be and the same is hereby confirmed, and the sale of the land in the bill and proceedings mentioned as shown by said report, ^{to said} the E. F. Musick for the sum of (\$80.00) eighty dollars, is also hereby confirmed. And the Clerk of this Court on the request of the said E. F. Musick will at any time hereafter issue a writ of possession in this cause for said land against the said defendant, in case he should fail or refuse to deliver possession thereof to said Musick.

And it further appearing from said Pennington's report that said Musick has paid to him the sum of (\$19.50) nineteen dollars and fifty cents, the costs in said suit and Com-
^{missions} missions of sale, it is ^{therefore} further ordered that the said Pennington will retain (\$4.00) four dollars there-of as his Commission, and the residue of said (\$19.50) nineteen dollars and fifty cents he will pay to those entitled. And this cause is continued.

R. J. Hood & Sons

va } Stone No. 2

Green Carter

Entered in C.O.B. #8,
page 469 &c.

Entered this
May 3, 1909

H A W Stone

R. J. Wood & SonsComplainants.

Vs.

Decree.

Green CarterDefendant.

This cause came on this day to be heard upon the bill of the complainant and exhibits filed therewith, and was argued by counsel.

And it appearing to the court that process in this case has been duly served upon the defendant Green Carter for more than fifteen days before this date, and he failing to appear and plead in this cause, on motion of the complainants by counsel said bill of said complainants is taken for confessed as to the said defendant.

On consideration of all which and for reasons appearing to the court it is adjudged, ordered and decreed that the said complainants recover of the said defendant the sum of \$44.52 with interest thereon from May 2nd, 1908 until paid, and the costs of this suit.

And it appearing to the court further that the said complainants did heretofore obtain a judgement before J. M. Howard, a Justice of said County, for said sum of money and had said judgement duly docketed in the judgement lien docket for this county on May 25th, 1908, it is therefore further adjudged, ordered and decreed that the said complainants by reason of their said judgement aforesaid, have a lien upon the land of the said defendant in the bill and proceedings mentioned.

And it is further adjudged, ordered, and decreed that unless the said defendant, or some one for him, pay the said sum of \$44.52 with its interest already accrued and hereafter to accrue, and the costs of this suit within thirty days from this date, then E.W. Pennington who is hereby appointed a Special Commissioner ^{will} to sell the tract of land in the bill and proceedings mentioned, or enough thereof to pay said debt add the costs of this suit. But, before the said Pennington shall make said sale of the said land, he will advertise the time, terms and place of sale for at least thirty days by posting a written or printed notice at as many as three public places in this county,

one of which shall be in the neighborhood of said lands, one at the front door of the court-house of this county, and one at the post-office in the Town of Pennington Gap. He will make such sale on a credit of six months, except a sum sufficient to pay the costs of this suit and commissions of sale, and for the deferred payments he will take ~~good~~ notes payable to himself as such commissioner with good security, bearing interest from the date of sale. But before making such sale said Pennington will execute bond before the clerk of this court in the penalty of \$100.00 conditioned as the law requires in such cases, and he will report his action to this court. And this cause is continued.

R. J. Hood & Sons

as } Series No. 1

Green Carter

Entered in C.O.B.

8, page 451 ve.

Enter this

Feb. 10 - 1909

Hawthorn

=====#
R. J. Wood & Sons, ##

vs. #

In Chancery. #

Green Carter. #
=====#

To the Hon: H. A. W. Skeen, Judge of the Circuit
Court for Lee County.

Your undersigned, who was appointed on the 10th day of February, 1909, by your Honor a Special Commissioner in this case for the purpose of selling the land of the defendant in the bill and proceedings mentioned or enough thereof to pay the complainant their recovery in said cause, begs leave to report that pursuant to the terms of said decree he advertised the time, terms and place of sale of said ~~xxx~~ land at three Public places in this County; one of which was posted in the neighborhood of said land; one at the Post Office in the town of Pennington Gap and one at the front door of the Court House of this County for more than thirty days and on the 24th day of April, 1909, at the Front door of the Post Office in the town of Pennington Gap, Virginia, they offered the land in the bill and proceedings at Public auction to the highest and best bidder on the terms mentioned in said decree. At said sale Rev. E. F. Music was the last, best and highest bidder on said land, he bidding the sum of (\$80.00) eighty dollars, and said land was knocked down to him at said sum. Said Music paid to your Commissioner the sum of (\$19.50) nineteen dollars and fifty cents and executed his note for (\$60.50) sixty dollars and fifty cents payable to your Commissioner and due in six months from April, 24th, 1909, and bearing interest from that date. Your Commissioner believes that this sale is a reasonably fair one and should be confirmed.

Given under my hand this the 24th day of April, 1909.

E. H. Pennington

Commissioner.

R. J. Hood & Sons

no } Report of
 } Sale

Green Leaflet

Filed April 26, 1909

J. C. Ewing,
Clerk

===== #
R. J. Wood & Sons, Plaintiffs. #
Vs. #
Green Carter, et al, Defendants. #
===== #

To the Hon. H. A. W. Skeen, Judge of the Circuit Court
for Lee County.

Your undersigned, commissioner begs leave to report that
E. F. Music, the purchaser of the land in the bill and pro-
ceedings mentioned, has this day paid me his note, together
with the interest, which amounts to the sum of (\$62 ^{eighty}~~80~~) sixty-
two dollars and ~~eighty~~ cents.

Your Commissioner has paid this sum out as follows:
R. J. Wood & Sons the sum of \$49.80 dollars, and
to J. P. Carter the sum of Ten dollars. And
said Music now having paid the purchase price of the lands
bought by him in this cause is entitled to a deed to the
same.

All of which is respectfully submitted this the 11th day
of December, 1909.

E. H. Cunningham Commissioner.

1908
R. J. Wood & Sons

vs Report

Greenhearted

Filed Dec. 13 - 1909

H. C. T. Ewing,
Clerk.

19
PARC
MENT

This Deed made this the 17th day of January, 1905, by Green S. Stapleton and L. B. Stapleton, his wife, parties of the first part to Green Carter, party of the second part, and all of Lee County Virginia:

W I T N E S S E T H:

That for and in consideration of the sum of (\$75.00) Seventy-five dollars, paid and secured to be paid by said second party, the said first parties do and each of them doth hereby Give, Grant, bargain and sell unto the said second party, subject to the mineral right of the Black Mountain Coal & Coke Company, who is the present owner of all the F. A. Stratton right. a certain lot, piece or parcel of land lying and being in Lee County, Virginia, in the Pocket Country, and on the waters of Pucketts Creek, and bounded as follows, to-wit: Beginning at a beech on the Bank and a stake in said Puckett's creek, thence southwardly a straight line to a black-oak and sourwood on the top of the ^{Main} ~~said~~ ridge; thence westwardly with the meanderings and top of said ridge to a black gum, near the public road, and a corner to Ben Kirk's and J. P. Carter's land, thence northwardly with said J. P. Carter's line to a stake in said Puckett's creek; thence down said creek as it meanders to the Beginning, and supposed to contain about three acres.) But this is a sale by the boundary and not by the acre. To have and to hold the said lot or parcel of land unto the said second party, his heirs and assigns for ever.

And the said first parties covenant with the said second party to warrant generally the title to the said tract of land, except as to the rights of said Stratton, and his assigns.

Witness the following signatures and seals.

G. S. Stapleton (Seal)

L. B. Stapleton (Seal).

Virginia,

Lee County, to-wit:

I. M. R. Kirk, a justice of the peace in and for the county of Lee and State of Virginia, do hereby certify that Green S. Stapleton

and L. B. Stapleton, whose names are signed to the writing above, bearing date on the 17th day of January, 1905, have acknowledged the same before me in my county aforesaid.

Given under my hand this the 24 day of February, 190-6.

M. R. Kirk J. P.

Virginia, Lee County, to-wit:

In the Clerk's office of Lee County, on this the 12th day of September, 1906. This deed was presented, and together with the certificate annexed, admitted to record.

Teste: H. C. T. Ewing, Clerk.

a copy,

Teste: H. C. T. Ewing, Clerk.

D. B. No. 44, page 497.

Green Carter
From / Dear
G. S. Stapleton wife

copy

Fee \$0.53-

Amt of freight

Int. from 37¹/₂ cts 4/24/09

Costs
Carriage

44.52

2.58

~~47.10~~

~~1.14~~

~~10.11~~

~~\$65.55~~

J. P. Carter freight 7/20/08 9.25

Int to 4/24/09 .40

~~1.00~~

9.65

~~\$75.00~~

Name of Attorney.	In what court or before what Justice judgment was obtained.	Names of Parties.	Residence.	Amount of Judgment.	From what date interest begins.	Costs.	Credits to which Judgment is subjected, if any, and the date.	When Docketed.
		<i>J. M. Howard, J. P. R. J. Hood & Sons, Plff. vs. Green Carter, Deft.</i>		<i>\$4397</i>	<i>May 2, 1908</i>	<i>\$1.55</i>		<i>May 25, 1908</i>

VIRGINIA==In Lee County Court Clerk's Office:

I, H. C. T. EWING, Clerk of said Court, do certify that the foregoing is a true copy of a Judgment in favor of *R. J. Wood & Sons* against *Green Carter*, as appears of record on Judgment Lien Docket No. *4* page *126* of Lee County Court, and that the same is properly indexed in the name of *Green Carter* said defendant.

Given under my hand this the *20th* day of *January*, 190*9*.

Teste:

H. C. T. Ewing,

Clerk.

R. J. Wood & Sons
Vs. Abstract of Judgt.
Green Carter

Fee 25¢

VIRGINIA, LEE COUNTY TO-WIT:

To

G. S. Stapleton

Constable of said County:

I HEREBY COMMAND YOU TO SUMMON

Green Carter

if to be found in your District, to appear at *my residence*, in said County, on the *20* day of *July*, 190*8*, before me or such other Justice of said County as may then be there to try this Warrant, to answer the complaint of *J. P. Carter* and upon a claim for money not exceeding \$100, exclusive of interest, to-wit: for the sum of \$*92.50*, due by *act*. And then and there make return of this Warrant. Given under my hand the *9* day of *July*, 190*8*.

J. M. Kelly, J. P.

J. P. Carter
Against
Green Carter

In Debt.

On the *20* day of *July*, 190*8*.
At *my Residence*, in said County.

JUDGEMENT, That the Plaintiff recover of the Defendant, \$ *92.50*, with interest thereon from the *20* day of *July*, 190*8*, till paid, and \$ *1.50* for costs.

J. M. Kelly, J. P.

VIRGINIA, LEE COUNTY TO-WIT:

To

G. S. Stapleton

Constable of said County:

I COMMAND YOU, in the name of the Commonwealth of Virginia, that of the goods and chattels of *Green Carter*, in your County, you cause to be made the sum of \$ *92.50*, with interest thereon from the *20* day of *July*, 190*8*, till paid, which *J. P. Carter* has recovered before me in a Warrant in Debt, and also the sum of \$ *1.50*, which were adjudged to said *Carter* for costs in prosecuting said Warrant. Given under my hand the *20* day of *July*, 190*8*.

J. M. Kelly, J. P.

J.P. Carter

Wm Green Carter

Executed. By delivering
a true copy of the
within want to the
said Green Carter
This July the 16-1908

G. A. Stapleton
C.G.C.

2

Cost Paid
By Green Carter

for one dollar & 50
cents for cost of JP
and Constable cost C.G.C.

now appears found
This March 20-1909

G. A. Stapleton
C.G.C.

29.60
48
- 926

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

Green Carter

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on

the *3rd* Monday in *January* 190*9*, to answer a bill in chancery exhibited against *him*
in our said Court by R. J. Wood, R. L.
Wood & R. A. Wood, partners in trade doing business
under the style and firm name of R. J. Wood
& Sons

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *16*th

day of *Jan'y*, 190*9*, and 1*22* year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk

, Clerk

Executed Jan 18

R. J. Wood & Sons

VS

SUBPOENA
IN
CHANCERY

Green Carter

Gen. Bros. p. q.

To 2nd Jan. Rules
1909
Lee Circuit Court

Executed on the 18th day
of January, 1909, by
delivering a true copy
of the within subpoena
to Green Carter in
his county.

E. S. Stapleton
for St. J. Tucker
S. L. Lee

B. Wood & Sons,

v. { In Choucas

Green Castles

The Globe Crushed Envelope
SIZE 10-1 1/2